

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>THOMAS ABNER</b>	:	<b>CASE NO. C-1-01-527</b>
826 Main St.	:	
Hamilton, OH 45013	:	<b>Judge Beckwith</b>
	:	
<b>DONNIE ADAMS</b>	:	
29081 U.S. 19 <sup>th</sup> North #141	:	<b>PLAINTIFFS' NOTICE OF APPEAL</b>
Clearwater, FL 34621	:	
	:	
<b>CHARLES BAYLOR</b>	:	
3768 Sommerville Rd.	:	
Sommerville, OH 45064	:	
	:	
<b>WAYNE BENNETT</b>	:	
7618 Vinnedge Rd.	:	
Hamilton, OH 45011	:	
	:	
<b>LARRY BRANDENBURG</b>	:	
939 Pom Court	:	
Trenton, OH 45067	:	
	:	
<b>CARL BREWER, JR.</b>	:	
184 Glencross Ave.	:	
Hamilton, OH 45013	:	
	:	
<b>JAMES BROOKS</b>	:	
2539 Noble Ave.	:	
Hamilton, OH 45015	:	
	:	
<b>LARRY BROUGHTON</b>	:	
5537 Hamilton-Richmond Rd.	:	
Hamilton, OH 45013	:	
	:	
<b>PHILLIP BULLIO</b>	:	
1106 Haldimand Ave.	:	
Hamilton, OH 45013	:	
	:	
<b>CHARLES CAMPBELL</b>	:	
5658 Indian Hill Court	:	
Indian Springs, OH 45011	:	
	:	
<b>ROBERT CHASTEEN</b>	:	



Camden, OH 45311	:
	:
<b>RICKEY HUNTINGTON</b>	:
2439 Benninghoffen Avenue	:
Hamilton, OH 45015	:
	:
<b>EMANUEL HYDEN, JR.</b>	:
5208 Headgates Rd,	:
Hamilton, OH 45013	:
	:
<b>JEROME ISREAL</b>	:
433 Pershing Ave.	:
Hamilton, OH 45011	:
	:
<b>PAUL ITALIANO</b>	:
1248 Vanderveer Ave.	:
Hamilton, OH 45011	:
	:
<b>JAMES KETCHAM</b>	:
4227 Darr Rd.	:
Oxford, OH 45056	:
	:
<b>STANLEY KNODEL</b>	:
43 Tecumseh Dr.	:
Hamilton, OH 45013	:
	:
<b>STEVE MANN</b>	:
9 Marlou Dr. Apt. 2	:
Hamilton, OH 45013	:
	:
<b>LARRY MCCREARY</b>	:
6403 Lakewood Dr.	:
Hamilton, Oh 45011	:
	:
<b>ROSS MCKAY</b>	:
720 Beissinger Road	:
Hamilton, OH 45013	:
	:
<b>FREDERICK OGG</b>	:
6215 Cin-Brookville Hwy.	:
Okeana, OH 45053	:
	:
<b>DOUGLAS PAXTON</b>	:
1011 Tiffin Avenue	:
Hamilton, OH 45015	:

**DAVID ROBERTSON**

4239 Withrow Rd.

Hamilton, OH 45011

**BARNEY SANDLIN**

3648 Chapel Rd.

Hamilton, OH 45013

**EVERETT TAULBEE**

P.O. Box 161

Camden, OH 45311

**ROBERT THOMAS**

156 Webster Ave.

Hamilton, OH 45013

**RONALD TURNER**

1690 Morman Rd.

Hamilton, OH 45013

**PETE VOLZ**

365 Wyoming Ave.

Fairfield, OH 45014

**JAMES WILLIS**

2614 Windage Dr.

Fairfield, OH 45014

**JOHN YORK**

1132 Blackwell Dr.

Fairfield, OH 45014

Plaintiffs,

v.

**SMART PAPERS**

601 North B Street

Hamilton, OH 45013

**SUN CAPITAL PARTNERS, INC.**

5355 Town Center Rd., Suite 802

Boca Raton, FL 33486

Defendants.

:  
:

Plaintiffs Abner, Adams, Baylor, Wayne Bennett, Brandenburg, Brewer, Brooks, Broughton, Bullio, Charles Campbell, Chasteen, Jerry Combs, Joshua Combs, Cress, Duncan, Durbin, Eaton, Fowler, Freeman, Gardner, Hensley, Horn, Huntington, Hyden, Isreal, Italiano, Ketcham, Knodel, Mann, McCreary, McKay, Ogg, Paxton, Robertson, Sandlin, Taulbee, Thomas, Turner, Volz, Willis and York, appeal to the United States Court of Appeals for the Sixth Circuit from the Rule 56 Judgment entered on May 12, 2004, and amended on May 19, 2004, dismissing their age discrimination claims under federal and state law against Defendants Smart Papers and Sun Capital Partners, Inc.

Respectfully submitted,

/s/ Sheila M. Smith

Randolph H. Freking (0009158)

Sheila M. Smith (0065115)

Kelly Malloy Myers (0065698)

FREKING & BETZ

Counsel for Plaintiffs

215 East Ninth Street

Fifth Floor

Cincinnati, OH 45202

(513) 721-1975

ssmith@frekingandbetz.com

**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2004, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed via U.S. Mail to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Sheila M. Smith